

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney
MICHELLE LO (NYRN 4325163)
Chief, Civil Division
SHINING J. HSU (CABN 317917)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7022
Fax: (415) 436-6570
Email: Shining.Hsu@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC EDWARD PLATA,

Defendant,

TRANSAMERICA RETIREMENT SERVICES,

Garnishee.

CASE NO. CR-03-0151 VRW

**ORDER GRANTING APPLICATION FOR
DISPOSITION ORDER ON WRIT OF
CONTINUING GARNISHMENT**

(RETIREMENT ACCOUNT)

The United States has filed its Application for Disposition Order (Writ of Continuing Garnishment).

The Court finds that:

1. Judgment debtor and defendant Eric Edward Plata (hereinafter “Defendant”) is indebted to Plaintiff, United States of America, in the original amount of \$120,200.00, arising out of an Amended

Judgment entered on October 21, 2003, in the United States District Court, Northern District of California in the above-captioned case. This debt is comprised of an assessment of \$200 and restitution of \$120,000.00. Dkt. No. 22 at ECF 6. Interest on the restitution accrues at 1.29% per annum. As of March 8, 2024, the balance due on Defendant's debt was \$108,997.44. Additionally, the United States is entitled to a surcharge of ten percent (10%) of the amount of the balance pursuant to 28 U.S.C. § 3011(a) (\$10,899.74). Thus, the total amount sought by this action was \$119,897.18.

2. The Court issued its Writ of Continuing Garnishment, directed to the Garnishee, Transamerica Retirement Services, and the Writ was served on the Garnishee. Dkt. Nos. 39, 50; *see* Huang Decl., ¶ 6.

3. The Garnishee filed an Answer to the Writ indicating that as of the time of the service of the Writ, the Garnishee had custody, control or possession of property in which Defendant has an interest. *See* Dkt. No. 48.

4. On March 22, 2024, the Defendant was notified of his right to hearing and to object to the Garnishee's Answer. *See* Dkt. No. 46. The Defendant has neither requested a hearing nor filed an objection to the Garnishee's Answer, and the time to do so has expired. *See* 28 U.S.C. § 3205(c)(5).

Based on the foregoing, and for good cause shown,

IT IS HEREBY ORDERED that the Garnishee, Transamerica Retirement Services, shall liquidate and pay to Plaintiff all of Defendant's interest in his accounts, until the judgment debt to Plaintiff is paid in full, or until the Garnishee no longer has possession, custody, or control of any property belonging to Defendant.

IT IS SO ORDERED.

Dated: May 2, 2024


 HONORABLE BETH LABSON FREEMAN
 UNITED STATES DISTRICT JUDGE